

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
INNER-TITE CORP)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	04 40219 FDS
DEWALCH TECHNOLOGIES, INC.)	
)	
Defendant.)	
_____)	

PLAINTIFF'S MOTION TO STRIKE THE
OPINION TESTIMONY OF BINZ DEWALCH

Plaintiff hereby moves for an order striking the opinion testimony of Binz DeWalch filed in affidavits on May 19, 2006 and June 16, 2006 on the basis that Mr. DeWalch was never identified as an expert by defendant in this action.

Plaintiff submits herewith an accompanying memorandum of law in support of this motion.

Counsel for defendant, Peter Mims, was contacted by William E. Hilton, and defendant does not concur in the relief sought by the present motion.

For the reasons stated in the accompanying memorandum of law, plaintiff, Inner - Tite Corp. requests that the court grant the present motion to strike the opinion testimony

of Binz DeWalch in paragraphs 4, 7 and 13 of Mr. DeWalch's sealed affidavit and paragraph 4 of Mr. DeWalch's supplemental affidavit.

Respectfully submitted,

Inner-Tite Corp.

By Plaintiff's attorneys,

/s/ William E. Hilton

Dated: June 26, 2006

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing and paper copies will be sent to persons indicated as non-registered participants on June 26, 2006 by First Class Mail.

/s/William E. Hilton

William E. Hilton